

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JARED J. GROGAN,

Plaintiff,

-v-

No. 20-CV-3345-LTS-OTW

NEW YORK UNIVERSITY et al.,

Defendants.

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ORDER

On September 15, 2023, New York University in Abu Dhabi Corporation and New York University (collectively, “Defendants”) filed a motion to enforce the settlement (docket entry no. 104), which Defendants certified as served on pro se Plaintiff Jared J. Grogan (“Plaintiff”) via verified email and FedEx the same day (docket entry no. 104-1 (“Certificate of Service”)). Plaintiff did not oppose the motion.

On January 10, 2024, Magistrate Judge Wang entered an Order (docket entry no. 112) denying Defendants’ motion to enforce the settlement. The undersigned ordered this case reopened shortly thereafter. Defendants have moved for reconsideration (docket entry no. 114) of Judge Wang’s January 10, 2024, Order, arguing that the Order exceeded Judge Wang’s authority, and, alternatively, that the Order overlooks controlling authority. (See generally id.) Defendants also request that discovery be stayed pending adjudication of the motion to enforce the settlement by the undersigned. (Id. at 16-17.) Judge Wang is requested to review the motion for reconsideration, which is directed to her, and the motion for a stay of discovery, which is within the remit of the prior reference for general pretrial management. (See docket entry no. 6.)

“[T]he weight of authority in this Circuit” has found that a motion to enforce a settlement, although not expressly excepted from the motions that may be heard and determined by a magistrate judge without consent of the parties, see 28 U.S.C. section 636(b)(1)(A), “should be characterized as either ‘dispositive,’ or the ‘functional equivalent’ of a dispositive motion.” Dannhauser v. TSG Reporting, Inc., No. 16-CV-747-CM-DF, 2019 WL 2950142, at *7 (S.D.N.Y. June 21, 2019) (citations omitted) (gathering cases), report and recommendation adopted, 2019 U.S. Dist. LEXIS 113755 (S.D.N.Y. July 9, 2019).

In an abundance of caution, the Court will enter an order of reference for dispositive motions, and requests that Judge Wang render her response to the enforcement and reconsideration motions in the form of a report and recommendation concerning the disposition of the motion to enforce the settlement.

SO ORDERED.

Dated: New York, New York
January 26, 2024

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge